

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:05 CR 3039
)	
v.)	
)	
)	
THOMAS E. MILLER,)	MEMORANDUM AND ORDER
)	
Defendant.)	

A conference with counsel and the defendant was held on June 22, 2006 for the purpose of reviewing the progress of this case and setting it for trial. Plaintiff was represented by Steven A. Russell; defendant appeared *pro se* with the assistance of Leonard P. Vyhalek, court-appointed standby counsel. Plaintiff's counsel had, prior to the conference, provided to the court and the defendant a preliminary list of persons who may be called as witnesses, and also a preliminary list of exhibits it expects to offer at the trial. Plaintiff's counsel also stated that he has provided defendant all Jencks Act materials presently known to him, and will continue to provide such materials as he receives them. He also stated that it is his expectation to be able to provide grand jury testimony to the defendant not later than thirty days prior to the trial. Defendant reported that he had been the victim of a theft of his records between three and six weeks prior to the conference and was thus having difficulty preparing. He did, however, agree to the schedule for trial. Following the discussion with the parties about an appropriate schedule, the court made the order which appears below.

IT HEREBY IS ORDERED:

1. Defendant shall, within 120 days from this date, provide to plaintiff's counsel a list of witnesses defendant intends to call to testify at the trial of this case, with a brief statement of their connection to the case.

2. Plaintiff shall, within 120 days from this date, provide to defendant a supplemental list of witnesses it intends to call to testify at the trial of this case, with a brief statement of their connection to the case.

3. Trial of this matter is set to commence at 9:00 a.m. on March 5, 2007 before the Hon. Richard G. Kopf, United States District Judge, and a jury, in Courtroom #1, United States Courthouse, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial. Trial is scheduled for a duration of fifteen trial days.

DATED June 22, 2006

BY THE COURT:

s/ David L. Piester
United States Magistrate Judge